



PATENT
Customer No. 22,852
Attorney Docket No. 05725.0446

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Serge RESTLÉ et al.

Application No.: 09/360,521

Filed: July 23, 1999

For: AMINATED SILICONE DETERGENT
COSMETIC COMPOSITION AND USE

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) Group Art Unit: 1617
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) Examiner: L. Wells
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*filed
processed*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT WITH REPLY TO OFFICE ACTION

In reply to the Office Action mailed November 10, 2003, the period for response having been extended to May 10, 2004, by a request for extension of three months and fee payment filed concurrently herewith, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims in this paper.

Remarks follow the amendment sections of this paper and begin on page 20.

/22/2004 CBETANCO 00000001 060916 09360521

FC:1201 86.00 DA
FC:1202 18.00 DA

here, Applicants respectfully request that this rejection be withdrawn for at least this reason.

Regarding the 18-methyl-eicosanoic acid, the Examiner has selected a single species from a exceedingly broad genus. Naito's fatty acid formula (1) provides chemical variations that exceed at least 10,000 chemicals. No evidence or teaching has been provided as to why Applicants' claimed single fatty acid would be chosen from such a broad genus. At best this amounts to picking and choosing limitations from the prior art, and thus is not sufficient to establish a *prima facie* case of obviousness, as described above.

For the aforementioned reasons, at least, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 4, 2004

Shalia V. Wainwright, Reg. No. 39,004
By: *for Michelle E. O'Brien*
Michelle E. O'Brien
Reg. No. 46,203

Attachments:

GE Silicone product literature for SF1921 aminated silicone
Dow Corning Product Literature for 7224 aminated silicone
Dow Corning Product Literature for Q2 8220 aminated silicone